

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

No. C-08-04053 MHP

MISTI CARDENAS,

Plaintiff(s),

vs.

JUSTIN GILL,

Defendant(s).

**ORDER TO SHOW  
CAUSE RE  
DISMISSAL**

On September 7, 2010, a pretrial conference was held in this matter. None of the required pretrial filings have been filed by plaintiff and no appearance by or on behalf of the plaintiff was made. Nor was there any request by plaintiff for a continuance or any notice to this court or to opposing counsel regarding the failures to file and appear.

This matter was filed on August 25, 2008. Motions have been heard and resolved. The schedule for pretrial and trial was established at the Case Management Conference ("CMC") on September 28, 2009. At that conference trial was set for September 28, 2010, and pretrial was set for September 7, 2010 at 2:30pm. Along with the minutes of that CMC, the courtroom deputy filed the instructions for pretrial preparation on ECF, and, thus, they were available to all counsel. Those instructions explained the filings required for the pretrial. Defendant filed its timely submissions. None were received from plaintiff


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2 Defendant's counsel appeared at the pretrial. As stated above, plaintiff's attorney failed to  
3 appear. Therefore,

4 Plaintiff's trial counsel, Brian E. Claypool, is hereby **ORDERED** to appear on Tuesday,  
5 **September 28, 2010**, at 9:00 a.m. in Courtroom No. 15 on the 18th floor of the United States  
6 Courthouse, 450 Golden Gate Avenue, San Francisco, California, **TO SHOW CAUSE** why this  
7 action should not be dismissed with prejudice for failure to appear and to obey an order of this court  
8 and for failure to prosecute this action.

9 Counsel Claypool is further **ORDERED TO SHOW CAUSE** why he should not personally  
10 pay the attorneys' fees, costs and expenses incurred by defendant in preparation for and attendance  
11 at the pretrial. In anticipation of the hearing defendant's counsel shall submit a declaration re such  
12 fees, costs and expenses.

13  
14 IT IS SO ORDERED.

15  
16 Date: September 8, 2010

  
MARILYN HALL PATEL  
United States District Court Judge  
Northern District of California